

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

10 UNITED STATES OF AMERICA, ) NO. CR13-5308BHS  
11 Plaintiff, )  
12 )  
13 v. ) ORDER  
14 ) Re: GOVERNMENT'S  
15 RAY EUGENE CALDWELL and ) MOTION IN LIMINE  
16 ALL OUT SEWER AND DRAIN )  
17 SERVICE, INC., )  
18 Defendants. )  
19 \_\_\_\_\_)

The United States has moved in limine to exclude evidence and argument that (1) the Defendant did not know the legal requirements of the Clean Water Act; (2) the Defendant had a good faith belief that he was complying with the law; (3) there was insufficient actual environmental harm; and (4) the discharge was *de minimis*.

The Court, having received and reviewed the motion and arguments included therein, makes the following ruling:

IT IS ORDERED that the Defendants are prohibited from introducing any evidence or arguing that (1) the Defendant did not know the legal requirements of the Clean Water Act; (2) the Defendant had a good faith belief that he was complying with the law; (3) there was insufficient actual environmental harm; and (4) the discharge was *de minimis*.

1 Such evidence is not relevant to any of the elements the government must prove at trial,  
2 or defenses that could be raised, and would lead to undue delay and confusion. This order does  
3 not preclude the defense from raising a mistake-of-fact defense.

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5 DATED this 22<sup>nd</sup> day of August, 2013.  
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11 BENJAMIN H. SETTLE  
12 United States District Judge  
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Presented by:

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ORDER RE: GOVERNMENT'S  
MOTION IN LIMINE 2

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